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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,359	09/26/2003	Steven Allen Barth	02842.000100.2	5274

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EXAMINER

KRUER, KEVIN R

ART UNIT	PAPER NUMBER
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1773

DATE MAILED: 05/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/670,359

Applicant(s)

BARTH ET AL.

Examiner

Kevin R Kruer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/7/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed May 7, 2004 has been fully considered. An initialed copy of said PTO-1449 is enclosed herein.

Drawings

2. The drawings filed September 26, 2003 are accepted.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 4-6, 8-12, and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 2001-319325 A (herein referred to as Ide) in view of JP 2000-169765 (herein referred to as Takeda).

Ide teaches a transparent magnetic card having enhanced designability and utilizable in ATM machines or the like (abstract). Applicant's attention is directed to Figure 3 of Ide. Ide teaches a card comprising a large, transparent core layer (3), front and rear ink layers (34a and b), front and rear printing layers (31a and b) and front and rear exaggerated sheets (32 a and b). The core layer may comprise PET-G (0011). The ink layers absorb light at 600-800nm and 800-1000nm respectively (0015). The printing layers are made of PVC (0012) as are the exaggerated layers (0012). Said ink layers are understood to read on the claimed hard coat layers of claims 1 and 8.

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Ide does not teach that the ink layer should comprise the claimed hard coat composition. However, Takeda teaches a film that is low in transmittance in the near infrared region comprising particles of hexaboride and ITO at a ratio by weight ranging from 0.1:99 to 90:10. The hexaboride is lanthanum hexaboride. The ITO is understood to read on the metallic absorbing compound having a wavelength in the range of 1000-25000nm. The particles may be dispersed in a curable binder such as acrylic ester resin (0032), which is understood to meet the claimed pencil hardness of claim 1. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the composition taught in Takeda as the ink layer taught in Ide because it blocks light transmission at the desired wavelengths and has improved transmittance in the visible light region.

With regard to the thickness of the ink layer, it would have been obvious to one of ordinary skill in the art at the time the invention was made to vary the thickness of the ink layer in order to control the IR transmission of the laminate. Furthermore, it would have been obvious to vary the amount of hexaboride in the layer in order to control the IR transmittance of said layer.

With regard to claim 6, the claimed uv radiation absorbing material is optional. Therefore, Ide reads on said claimed embodiment.

With regard to claims 12 and 17, Ide does not teach that the layers may be adhered together utilizing a pressure sensitive layer. However, it is known in the art that PSAs may be utilized to assemble layers of a laminate in order to improve interlayer adhesion. Therefore, it would have been obvious to utilize an adhesive layer between

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the ink layer and the overlaid PVC of the laminate taught in *Ide* in order to increase interlayer adhesion.

5. Claims 3, 7, 13 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 2001-319325 A (herein referred to as *Ide*) in view of JP 2000-169765 (herein referred to as *Takeda*), as applied to claims above, and further in view of *Kiekhaefer* (US 6,732,936).

Ide in view of *Takeda* is relied upon as above, but does not teach the claimed VLT and IR transmissions. However, *Kiekhaefer* teaches a financial transaction card that is transparent or translucent to the human viewing yet detectable by automated card processing equipment (abstract). *Kiekhaefer* teaches that the card should transmit at least 40% of incoming visible light for it to appear to be noticeably different from a standard opaque card (col 4, lines 50+). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to vary the VLT of the card taught in *Ide* in order to obtain the desired aesthetic effect.

With regard to the IR transmission, *Kiekhaefer* teaches that the card should transmit less than 10% of said light in order to be compatible with automated card processing equipment (col 5, lines 61+). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the card taught in *Ide* with a IR transmission of less than 10% so that the automated card processing equipment will read said card.

With regard to claims 7 and 18, *Ide* does not teach the PET layer may be dyed to a desired color. However, *Kiekhaefer* teaches that a colorant may be added to the

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various layers of the card to obtain the desired aesthetic effect of the card (col 7, lines 63+). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add color to the PET layer taught in Ide to obtain the desired aesthetic effect.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin R Kruer whose telephone number is 571-272-1510. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney can be reached on 571-272-1284. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'K-RK-' with a horizontal line extending from the end.

Kevin R. Kruer
Patent Examiner-Art Unit 1773